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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/019,628 | 01/03/2002 | Laurent Nivet | P07469US00/DEJ | 7356 |

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EXAMINER

EDELL, JOSEPH F

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/019,628

Applicant(s)

NIVET, LAURENT

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, and 9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,669,780 to Sakakibara et al.

Sakakibara et al. disclose a seat that includes all the limitations recited in claims 1-4, 8, and 9, as best understood. Sakakibara et al. show a seat having a three moving parts 110a, 110b, 401 (Fig. 3), at least two actuators 233 (Fig. 7), 438 (Fig. 10) for moving the three parts, a means for operating (Fig. 12) the two actuators jointly, a means for actuating a first actuator S108 (Fig. 13B), a means for detecting LS(41) (Fig. 12) the first actuator has stopped after the first actuator reached a predetermined position, and a means for actuating S109 (Fig. 13B) a second actuator at an instant subsequent to the actuating of the first actuator separated by a predetermined length of time. The description of the seat inherently discloses the method of controlling the seat.

3. Claims 1-9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,651,587 to Kodaverdian.

Kodaverdian discloses a seat that includes all the limitations recited in claims 1-9, as best understood. Kodaverdian shows a seat having a seat cushion 12 (Fig. 1), a leg rest 16 (Fig. 1) articulated to the seat cushion, a foot rest 18 (Fig. 1) that moves with

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respect to the foot rest, two actuators 36,40 (Fig. 1) arranged between the seat cushion and the leg rest and the other between the leg rest and foot rest, a means for operating 50 (Fig. 2) the two actuators jointly, a means for actuating a first actuator 64a,64b (Fig. 3), a means for detecting (see column 5, lines 34-45) the first actuator has stopped after the first actuator reached a predetermined position, and a means for actuating 66a,66b (Fig. 1) a second actuator at an instant subsequent to the actuating of the first actuator separated by a predetermined length of time in order to insure the foot rest does not strike the floor. The description of the seat inherently discloses the method of controlling the seat.

Response to Arguments

4. Applicant's arguments filed 20 May 2003 have been fully considered but they are not persuasive. Applicant argues that neither Sakakibara et al. or Kodaverdian disclose a seat that requires a first actuator to be activated and a second actuator to be activated at a time separated from the time at which the first actuator is activated by a "predetermined length of time" (claims 1 and 8). With respect to the teachings of Sakakibara et al., Applicant argues that the length of time between activation of the first actuator and the second actuator is not predetermined because the length of time varies depending on the initial position of the associated seat elements activated by the first actuator and the second actuator. However, the actuators of the seat disclosed in Sakakibara et al. are jointly operated in a successive manner wherein the time between activation of the first actuator and the second actuator is separated by a predetermined

length of time that varies depending on the initial conditions. An example of which is shown in Figure 13B wherein the activation of a first actuator, shown in step S108 wherein the armrest is moved to stored position, occurs at a first instant and the second actuator, shown in step S109 wherein the middle-right seat cushion is moved forward, activates at a second instant subsequent to the first instant and separated from the first instant by the predetermined time it takes the motors MT(4), MT(5) (Fig. 12) to actuate and to energize the limit switches LS(41), LS(51) (Fig. 12). With respect to the teachings of Kodaverdian, Applicant argues that the synchronism between the first actuator and the second actuator is achieved according to the position of the actuator and its associated seat element. However, the actuators of the seat disclosed in Kodaverdian are jointly operated in a successive manner wherein the time between activation of the first actuator and the second actuator is separated by a predetermined length of time depending on the initial conditions. Figures 7-8b clearly show the joint operation of seat actuators wherein the seat of Kodaverdian undergoes activation of a first actuator, shown as the retraction of the foot rest 130 (Fig. 7), at a first instant and the activation of a second actuator, shown as the driving of the leg rest 150 (Fig. 7), at a second instant subsequent to the first instant and separated by the first instant by the predetermined length of time to fully retract the footrest. Therefore, both the seat of Sakakibara et al. and the seat of Kodaverdian teach the methods recited in the independent claims 1 and 8.

Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 1-9.

Conclusion

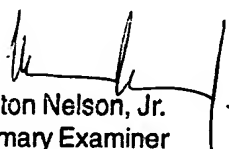
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE
July 25, 2003


Milton Nelson, Jr.
Primary Examiner